

# SUBGROUP: Environmental Justice

Remediation and Redevelopment External Advisory Group



## MEETING NOTES

### Remediation and Redevelopment External Advisory Group – Environmental Justice

Friday, Dec. 9, 2022

8 a.m. – 9:45 a.m.

Rm. G09, State Natural Resources Building (GEF 2)  
101 S. Webster St. Madison, WI 53703

#### *Action items/assignments for next meeting*

- **ALL:** [Subscribe to the RR EAG listserv](#) to receive information about future meeting dates, agendas, resources, and other EAG-relevant items. Zoom attendees are automatically added to the listserv; if you would like to opt out, please email [Jody.Irland@wisconsin.gov](mailto:Jody.Irland@wisconsin.gov)
- **ALL:** share potential EJ contacts with [Jody.Irland@wisconsin.gov](mailto:Jody.Irland@wisconsin.gov), who will create a database with the information to be reviewed at a future meeting
- **DNR:** begin draft outreach one pager to create a standardized list of talking points when reaching out to EJ contacts

#### *Introductions*

##### **In person**

- Jodie Peotter, Subgroup Chairperson, DNR
- Alyssa Sellwood, DNR
- Jody Irland, DNR
- Michael Prager, DNR
- Mark Rutkowski, Shannon & Wilson
- Tom Gaieck, Ayres Environmental
- Roy Irving, DHS
- MacKenzie Gearin, DHS
- Nathan Kloczko, DHS

##### **Zoom**

- Chris Valcheff, True North Consultants
- Kayleigh Kavanagh, Ramboll
- Laura Barr, Alliant Energy
- Bill Scott, WP Scott Law
- Sarah Gruza, US EPA
- Noah Saperstein, Red Cliff Environmental Department Treaty Natural Resources Division Red Cliff Band of Lake Superior Chippewa
- MacKenzie Thelen, Alliant Energy

- Carrie Webb, DNR
- Lisa Ashenbrenner Hunt, DNR
- Ned Witte, Godfrey & Kahn
- Jenny Coughlin, Alliant Energy
- Jeremiah Yee, DHS
- Nathalia Londono, ECS Limited
- Ted Warpinski, Halling & Cayo
- Jennifer Hagen, Ramboll
- Jason Lowery, DNR
- Pam Zumalt
- Gena Larson, DNR
- Tom Coogan, DNR
- Craig Sparks, DNR
- Ray Tierney, SCS Engineers
- Gary Greismeyer, Sadoff Iron & Metal Company
- Jason Scott, Wisconsin Economic Development Corporation
- Donald Gallo, Don Gallo Law
- Judy Fassbender, DNR

#### *Purpose of EJ Subgroup*

- EJ in Wisconsin
- EJ at the DNR through NR 700 and ch. 292

# SUBGROUP: Environmental Justice

Remediation and Redevelopment External Advisory Group



## *Work plan*

- [Review work plan](#)
  - Sideboards: The RR Program addresses contamination that has already occurred. The RR EAG EJ subgroup is focusing on how existing environmental contamination can be addressed in a more equitable manner.
- End-product: [issue paper template](#)

## *Task 1: Expand Stakeholders and Community Partners*

- The objective of this task encourage participation of those who are affected by EJ in the RR EAG EJ subgroup
- The networks RR EAG EJ subgroup members is important for scope of contact; potential outreach channels include:
  - Using the existing tools (e.g., EPA EJ Screen, RRSM) to identify communities; reach out to community leaders or local interest groups
  - People who are currently doing EJ work professionally
  - Local employers
  - Green Team network
  - Responsible Parties
  - Youth and elderly populations who have experienced intergeneration EJ issues or will be inheriting the Earth
- Considerations for the future
  - Need to build trust with EJ communities which can be a slow process; be inclusive of all communities regardless of size, background, and location
  - Inclusion and equitable access to participation in the RR EAG may include compensation for time or childcare
  - Space needs to be created to understand how people want to be heard and how their interests can be represented in DNR decisions.

## *Set Next Meeting Date(s)*

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## *Adjourn*

# Remediation and Redevelopment External Advisory Group



Paper/Agenda #

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## [Issue Paper Title]

[Name of Subgroup]

[Author(s)]

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### TYPE OF RECOMMENDATION

[e.g., statutory, regulatory, administrative]

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### BACKGROUND

[Limit to no more than two pages]

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### PROPOSAL

[Limit to one paragraph]

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### RESOURCES NEEDED

[DNR staff participation estimated hours, external participation estimated hours]

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### ENVIRONMENTAL JUSTICE EVALUATION

[Explain how this proposal furthers Wisconsin DNR goals regarding environmental justice]

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### COMMENTS

[Notable comments from issue paper draft writing process from subgroup members, including alternative approaches considered]

*These draft issue papers and recommendations were developed by the Remediation and Redevelopment External Advisory Group and members of the public, and do not necessarily represent the opinions or the position of the Wisconsin Department of Natural Resources or other state agencies.*

# Environmental Justice Subgroup

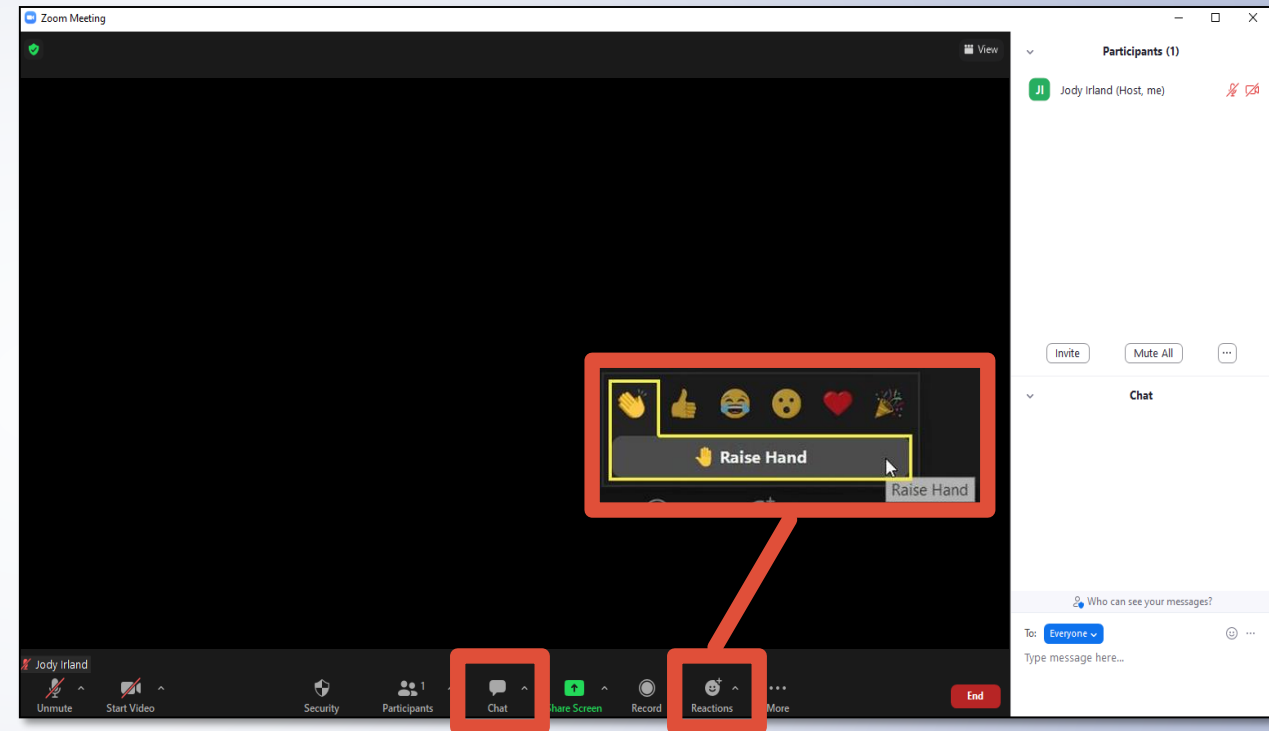
Remediation &  
Redevelopment External  
Advisory Group



Dec. 9, 2022  
8-9:45 a.m.

# Zoom Logistics

- Attendees can unmute themselves
- Speak freely, use chat, or raise hand
  - Zoom host will read chat and respond to raised hands
- Mute when not speaking
- Identify yourself before speaking



# Introductions & Community Building

- ▶ Name and affiliation
- ▶ Why did you join the EJ subgroup?

Welcome



# Purpose of EJ Subgroup – EJ Definition



*Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. This goal will be achieved when everyone enjoys:*

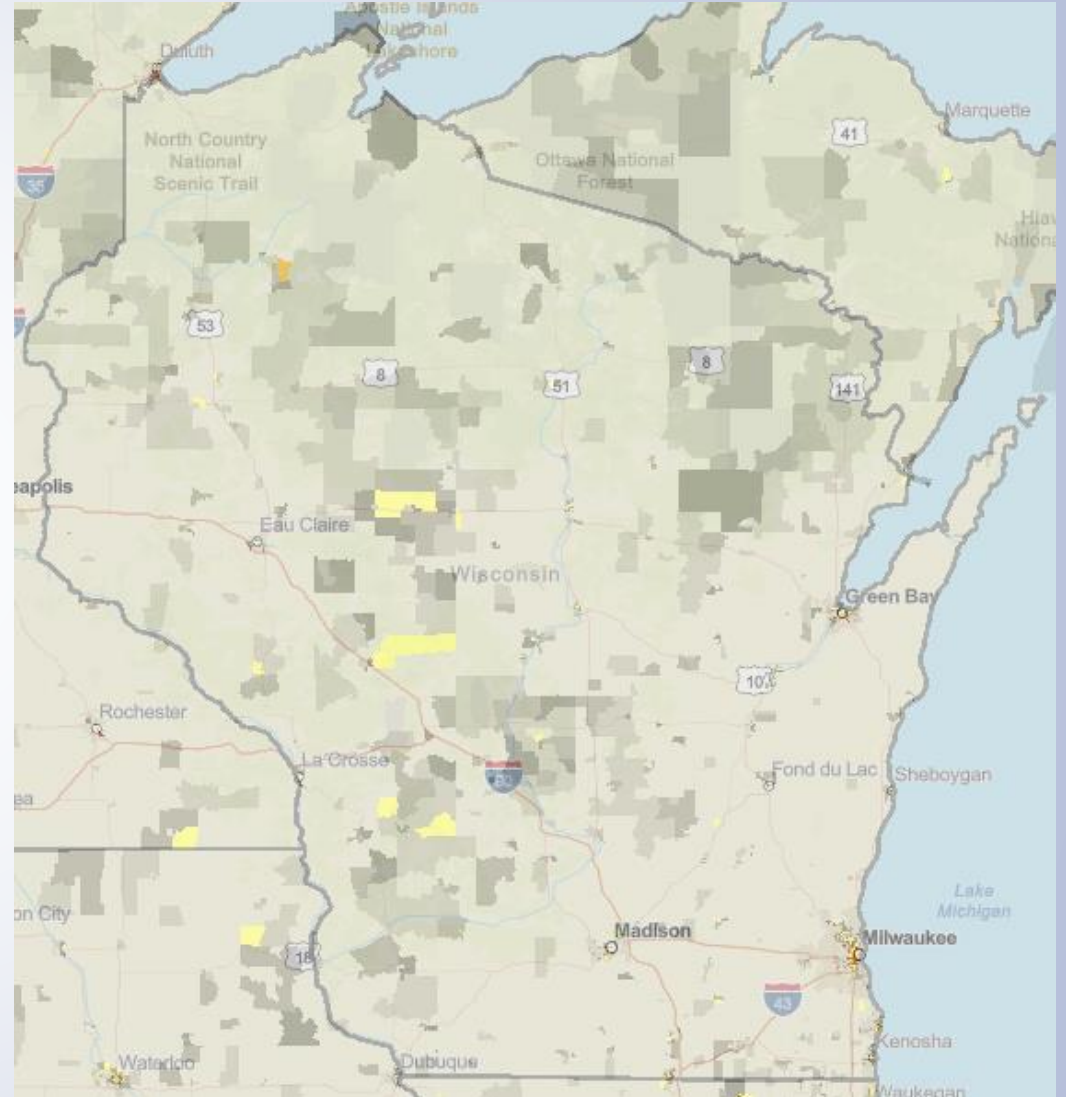
- The same degree of protection from environmental and health hazards, and*
- Equal access to the decision-making process to have a healthy environment in which to live, learn, and work.*

United States Environmental Protection Agency



# Purpose of EJ Group – Disproportionate Burdens

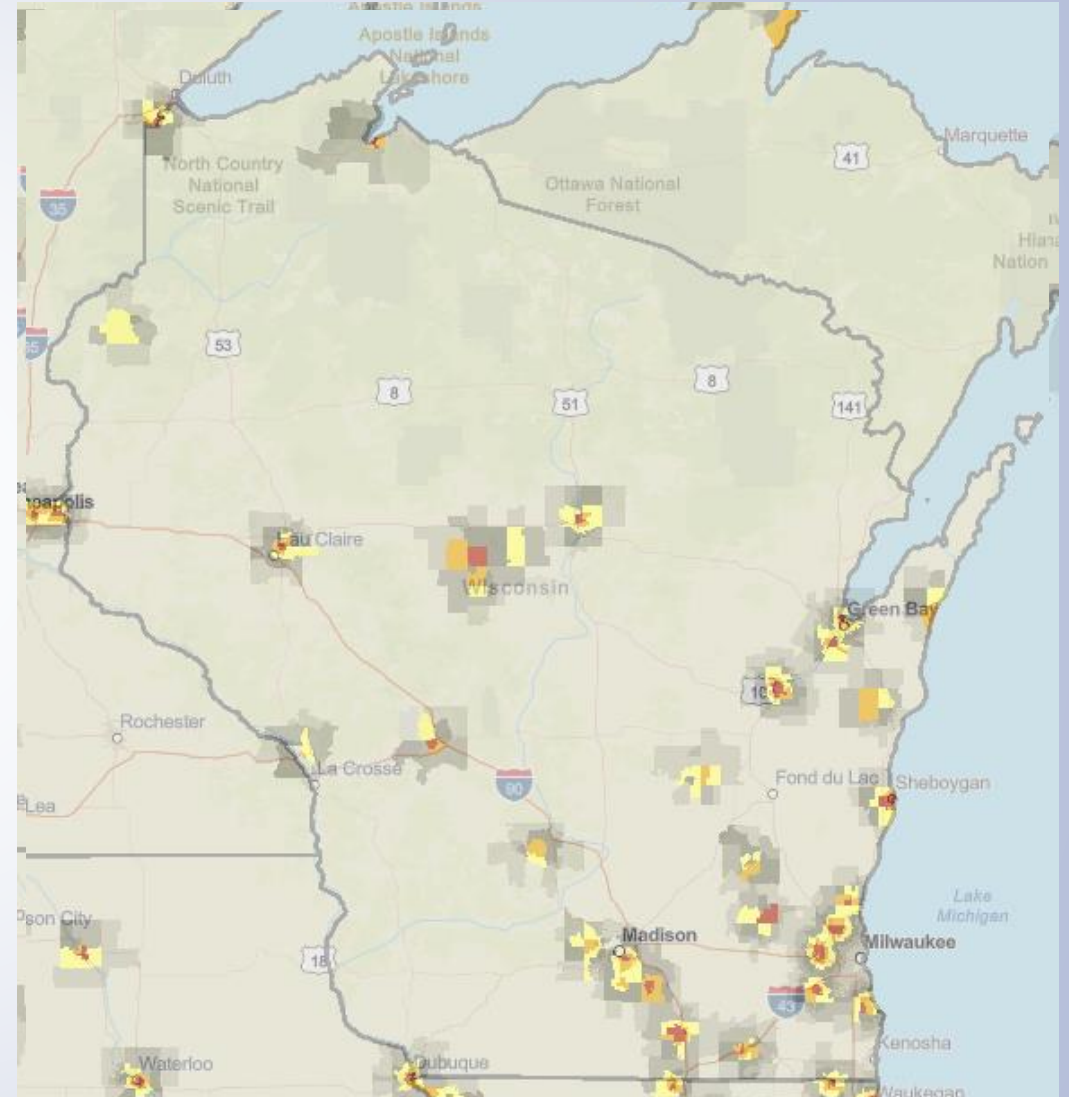
- Lower income rate
- Higher unemployment rate
- Less high school education
- Limited English speaking
- Lower life expectancy





# Purpose of EJ Group – Disproportionate Burdens

- Annual Average Particulate Matter Levels in the Air of 2.5
- Ozone Averages
- Diesel Particulate Matter in Air
- Lifetime Cancer Risk from Air Toxics
- Air Toxics Respiratory Hazard Index
- Traffic proximity
- Exposure to Lead Paint
- Superfund proximity
- RMP Facility proximity
- Hazardous Waste Proximity
- Underground Storage Tanks
- Wastewater Discharge



# Remediation and Redevelopment Program

- Mitigate risks from contamination that was discharged the environment
- Money – *Who Pays for the Cleanup*
  - Responsible parties
  - Federal Grants to developers and Local Government when no Responsible Party
  - State Funds for state to do work with no responsible Party
- Drivers – *What is Motivating the Cleanup*
  - Law: Responsible Parties
  - Redevelopment of land: Local governments and Developers
  - Unacceptable & unaddressed Risk: State Lead and Local Governments

# Authority for EJ Under Current NR 700/ch. 292

## ▶ Limited to NR 714 Public Participation

**NR 714.05(4) PUBLIC MEETINGS.** The department may hold a public meeting to consider comments on any proposed investigation of contamination or any other proposed response action if there is sufficient public interest, or for any other reason.

**NR 714.05(2)(b) PROPOSED DEPARTMENT-FUNDED REMEDIAL ACTIONS.**  
The department shall be responsible for conducting or directing appropriate public participation and notification activities for sites or facilities where a response action is funded wholly or in part by the department and conducted pursuant to s. [292.11](#) or [292.31](#), Stats., and where the department is overseeing response actions conducted wholly or in part by responsible parties under a contract signed pursuant to s. [292.31](#), Stats.

**NR 714.07(1) EVALUATION OF NEED FOR PUBLIC PARTICIPATION AND NOTIFICATION BY RESPONSIBLE PARTIES.** In order to promote effective and meaningful public participation and notification, responsible parties shall conduct all necessary public participation and notification activities

# Authority for EJ Under Current ch. 292

## ➤ Opportunity?

**292.31(2) ENVIRONMENTAL RESPONSE RULES.** The department shall promulgate rules relating to investigation and remedial action for sites or facilities and other properties at which the air, land, or waters of the state have been affected by the discharge of a hazardous substance or other environmental pollution, including all of the following provisions:

(e) Appropriate roles and responsibilities under this section for federal, state and local governments and for interstate and nongovernmental entities

# EJ in the RR Program



What is working?



What can be improved?



Is there enough within our authority to drive actions supporting EJ?



Are more rules needed?

# Work Plan



Side bars and scope of authority



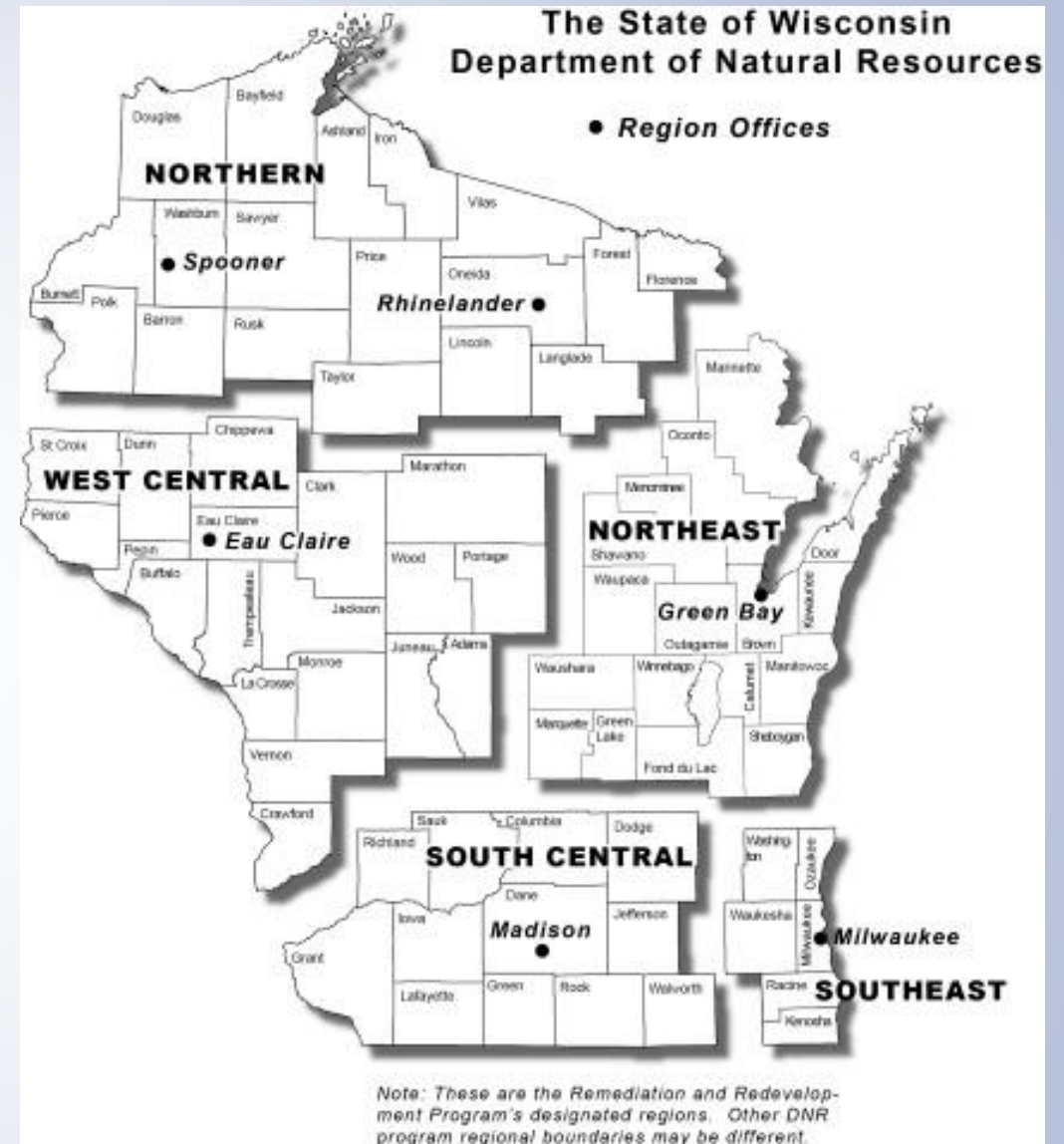
Deliverables and milestones



End-product: issue paper example

# Task 1

Identify Stakeholders and community partners who may be interested in participating or providing input to the RR EAG



## Next Steps



**PRIORITIZE**



**TIMELINE**



**ASSIGNMENTS**





## Next Meeting(s)

- GEF 2 in Madison or Milwaukee DNR office
  - Hybrid
- Frequency and next meeting day and time



# CONNECT WITH US

Thank You!

**DNR RR Program Contacts:**  
[dnr.wi.gov/topic/Brownfields/Contact.html](http://dnr.wi.gov/topic/Brownfields/Contact.html)



/WIDNR



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@WI\_DNR



/WIDNRTV



"WILD WISCONSIN:  
OFF THE RECORD"